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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,077	01/09/2002	Kenneth E. Flick	58090	6614

27975 7590 01/26/2007

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EXAMINER	
YANG, CLARA I	
ART UNIT	PAPER NUMBER
2612	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	01/26/2007	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/043,077
Filing Date: January 09, 2002
Appellant(s): FLICK, KENNETH E.

Jack G. Abid, Reg. No. 58,237
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 30 October 2006 appealing from the Office action mailed on 07 April 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,100,792A	OGINO et al.	8-2000
US 6,011,460A	FLICK	1-2000
US 5,986,571A	FLICK	11-1999
US 6,271,745B1	ANZAI at al.	8-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A. *Claims 18-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US 6,100,792) in view of Flick (US 5,986,571).*

Referring to claim 18, Ogino's vehicle, as shown in Fig. 1, comprises (a) bus line 6 extending from one location within a vehicle to another location (see Col. 5, lines 19-29); (b) a plurality of vehicle devices, e.g., head unit 1, CD changer 2, car security unit 10, etc. (see Col. 5, lines 19-29); and (c) head unit 1's a liquid crystal display (LCD) 1*a* (i.e., vehicle indicator) spaced apart from CD changer 2 and car security unit 10 and connected to bus line 6, wherein LCD 1*a* displays a 24-character message (see Col. 5, lines 3-8). Ogino's vehicle security system, as shown in Fig. 3, comprises (a) a two-way remote unit 11 (i.e., a portable uniquely coded transmitter) (see Col. 5, lines 37-46 and 51-58; and Col. 16, lines 19-24); (b) vehicle transceiver 12 having a receiver for receiving signals from at least one remote unit 11 (see Col. 5, lines 51-54); and (c) controller 17 spaced apart from head unit 1 (i.e., at least one vehicle device) and cooperating with transceiver 12 and bus 6 (see Col. 5, lines 62-67 and Col. 16, lines 36-44 and 52-64). Per Ogino, car security unit 10's controller 17 performs several functions: (1) communicates with CD changer 2 and head unit 1 via bus 6 (see Col. 5, lines 19-29; and Col. 16, lines 36-44 and 52-64); (2) switches to an ID code learning mode and learns at least one remote unit 11 to permit control of a vehicle function by a user (see Col. 16, lines 19-39); and (3) communicates with head unit 1, via bus 6 to cause LCD 1*a* to display "CODE ACCEPTED" when a new ID code has been registered/learned (see Col. 5, lines 19-29 and Col. 16, lines 52-62). Ogino, however, fails to teach controller 17 causing an indication of a number of learned remote units 11.

In an analogous art, Flick teaches a building security system 10, as shown in Fig. 3, comprising (a) remote transmitters 50 and (b) building security controller 11. Per Flick, building security controller 11 includes a transmitter and receiver 13 for receiving signals from remote transmitter 50 (see Col. 3, lines 46-50) and a central processing unit (CPU) 12 for communicating with building sensor 20, alarm indicators 23, and system indicators 24 (see Figs. 1 and 3; Col. 3, lines 61-67; and Col. 4, lines 39-47). Flick's CPU 12 has a remote transmitter learning means 47 for learning a remote transmitter 50 that is to switch building security controller 11 between armed and disarmed modes (see Col. 4, lines 39-42). Flick discloses that system indicators 24 include lights, audible tone generators, etc. (see Col. 4, lines 8-10 and Col. 5, lines 21-34) and are actuated by CPU 12 for: (1) indicating that building security controller 11 has entered a learning mode (see Col. 4, lines 63-56); (2) indicating when the learning mode was last entered (see Col. 5, lines 1-3); (3) progressively indicating a passage of time since the learning mode was last entered (see Col. 5, lines 3-5); (4) indicating the number of learned remote transmitters (see Col. 5, lines 21-26 and 48-51); (5) indicating a change in the number of learned remote transmitters (see Col. 5, lines 51-53); and (6) indicating a change in a code of at least one of the learned remote transmitters (see Col. 5, lines 51-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogino's controller 17 as taught by Flick because having a controller 17 that is able to cause an indication of a number of learned remote units 11 prevents unauthorized remote transmitters from being surreptitiously learned by controller 17 (see Flick, Col. 5, lines 26-30 and Col. 7, lines 43-47).

Regarding claim 19, Ogino's vehicle indicator is LCD 1*a* (i.e., a visual display).

Regarding claim 20, Ogino teaches that LCD 1*a* is on the instrument panel of head unit 1, which contains a variety of operation keys for operating an FM/AM tuner, a cassette player, and CD changer 2, wherein the FM/AM tuner and the cassette player are built into head unit 1 (see Col. 5, lines 3-11).

Regarding claim 23, Ogino teaches that controller 17 communicates with head unit 1 via bus 6, as explained in the previous rejections of claims 1 and 46. Head unit 1 is a controllable vehicle device since its built-in FM/AM tuner and cassette player are controlled by a variety of operation keys and its LCD 1*a* is controlled by at least controller 17.

B. *Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US 6,100,792) in view of Flick (US 5,986,571) as applied to claim 18 above, and further in view of Flick (US 6,011,460).*

Regarding claims 21 and 22, which are identical with claims 5 and 6 respectively, Ogino and Flick '571 are silent on controller 17 being connected to (1) door sensor 24, bonnet sensor 25, radar sensor 26, impact sensor 27, and glass break sensor 28 (i.e., vehicle sensors, as called for in claim 21) and (2) siren driver 22 (i.e., a vehicle alarm indicator, as called for in claim 22) via a bus.

In an analogous art, Flick '460 teaches a vehicle security system, see Figs. 1-3, comprising: (a) remote transmitter 50 (see Col. 5, lines 32-58); (b) transmitter and receiver 13 at the vehicle for receiving signals from remote transmitter 50 (see Col. 4, lines 51-54); (c) data communications bus 62 that extends through various locations of the vehicle (see Col. 5, lines 11-31 and Col. 6, lines 24-30 and 50-58); (d) a plurality of vehicle devices (e.g., vehicle security sensor 60, alarm indicator 64, lock control unit 41, ignition switch 20, other control nodes 66, etc.) connected to bus 62 (see Col. 6, lines 1-9 and 50-58); and (e) central processing unit (CPU)

65 and bus interface 65 that is spaced apart from the vehicle devices for communicating with the vehicle devices via bus 62 (see Col. 6, lines 18-23).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogino's controller 17, as modified by Flick '571, such that it is connected to the vehicle devices (such as starter cutting relay 21, headlight driver 23, sensors 23-28, and door lock module 34) via a bus as taught by as taught by Flick '460 because connecting vehicle devices directly to a data bus that extends throughout a vehicle reduces (1) the amount of wiring, (2) wire routing problems, and (3) complications that may arise when troubleshooting the electrical system (see Flick '460, Col. 1, lines 65-67 and Col. 2, lines 1-3).

C. Claims 30-39, 42, 43, 45, and 57-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. (US 6,271,745) in view of Flick (US 6,011,460).

Referring to claims 30, 35, 45, 57, and 62, Anzai teaches a vehicle control system, as shown in Fig.1, comprising: (a) fingerprint sensors 11, 13, 15, and 39 for sensing a user's fingerprint (see Fig. 9, steps S89 and S91; and Col. 4, lines 24-28 and 44-45), as called for in claims 30, 45, and 57; (b) control unit 1 connected to sensors 11, 13, 15, and 39 (see Col. 4, lines 30-39), as called for in claims 30 and 57; and (c) a plurality of vehicle devices, such as dashboard unit 3, ignition switch status unit 5, lock unit 7, and engine immobilizer unit 9, as called for in claims 30 and 57. Per Anzai, control unit 1 performs the following steps: (1) communicates with the components of dashboard unit 3, ignition switch status unit 5, lock unit 7, and engine immobilizer unit 9 (see Figs. 5-9; Col. 4, lines 40-45 and 56-67; Col. 5, lines 1-19; and Col. 6, lines 25-60), as called for in claims 30 and 57; (2) enrolls or learns fingerprints of various users (see Col. 6, lines 64-66), as called for in claims 30 and 57; and (3) indicates that a new fingerprint has been learned by asking for confirmation of the enrollee via display unit 41 (see Col. 7, lines 58-

67), as called for in claims 30 and 57. Anzai's control unit 1 is spaced apart from the vehicle devices as shown in Fig. 1 as called for in claims 30 and 57. Anzai's vehicle control system, though, lacks (1) a data bus extending throughout the vehicle, wherein the data bus connects control unit 1 to the vehicle devices, as required in claims 30 and 57, and (2) a vehicle alarm indicator, as required in claims 35 and 62.

In an analogous art, as previously explained in the rejection of claim18, Flick discloses that (1) data communications bus 62 extends throughout the vehicle (see Col. 5, lines 11-31 and Col. 6, lines 24-30 and 50-58) and that (2) vehicle security sensor 60, alarm indicator 64, and other control nodes 66 are connected to data bus 62 (see Col. 6, lines 1-9 and 50-58 and Col. 7, lines 59 - 67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle security system of Anzai as taught by Flick because connecting vehicle devices directly to a data bus that extends throughout a vehicle reduces (1) the amount of wiring, (2) wire routing problems, and (3) complications that may arise when troubleshooting the electrical system (see Flick, Col. 1, lines 65-67 and Col. 2, lines 1-3). Furthermore, a vehicle alarm indicator thwarts theft by actuating a siren and headlights when unauthorized access is detected (see Flick, Col. 7, lines 59-67), thereby enhancing vehicle security.

Regarding claims 31, 32, 58, and 59, Anzai's dashboard unit 3 has a display unit 41 (i.e., "vehicle indicator") that is used by control unit 1 to indicate that a fingerprint has been scanned and recorded by prompting the owner for confirmation of an enrollee (see Col. 7, lines 62-67).

Regarding claims 33 and 60, Anzai's display unit 41 is within dashboard unit 3, which is an instrument panel (see Fig.3 and Col. 4, lines 40-50).

Regarding claims 34 and 61, Anzai discloses that control unit 1 communicates with ignition switch status unit 5, which includes sensors 49, 51, and 53 (see Col. 4, lines 56-67), and lock unit 7, which includes sensor 67 (see Col. 5, lines 1-2 and 9-10).

Regarding claims 36-38 and 63, as explained above in claims 30 and 57, Anzai teaches that control unit 1 communicates with controllable vehicle devices (as called for in claims 36 and 63), such as lock unit 7 (as called for in claims 38 and 63) and engine immobilizer unit 9 (as called for in claim 37).

Regarding claims 39 and 64, Anzai teaches that a user is able to place control unit 1 in various modes via switches 43*a* and 43*b* on dashboard unit 3 (see Col. 6, lines 61-67 and Col. 7, lines 1-4). When a user selects the menu mode, control unit 1 enables the user to enroll additional users, view or deleted enrollees, and set up the system (see Fig. 4). When a user selects the enroll mode (see Fig. 8, steps S55 and S57), the display changes and prompts the user for the category of authorization (i.e., owner, driver, and non-drive) (see Col. 7, lines 42-45); hence the display of authorization categories is an indication that the learning mode has been entered.

Regarding claims 42, 43, 65, and 66, per Anzai, when the view/delete mode is selected via dashboard unit 3, display unit 41 provides a list of the initials and category of authorization for each enrollee (see Col. 8, lines 1-7); as shown at step S101 in Fig. 10, the record for the eighth enrollee of the twelve enrollees is displayed (as called for in claims 42 and 65). Consequently, each time an enrollee is added or deleted, the list indicates the change in the number of learned individuals (as called for in claims 43 and 66).

D. *Claims 40, 41, 44, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. (US 6,271,745) in view of Flick (US 6,011,460) as applied to claims 30 and 57 above, and further in view of further in view of Flick (US 5,986,571).*

Regarding claims 40, 41, 44, and 67, Anzai and Flick '460 are silent on control unit 1 causing the following: (1) an indication of when the last learning mode was entered (as called for in claim 40); (2) an indication for progressively indicating a passage of time since the learning mode was last entered (as called for in claim 41); and (3) an indication of a change in a learned unique biometric characteristic (as called for in claims 44 and 67).

In an analogous art, as previously explained in claims 18-23, Flick '571 teaches a building security system 10 comprising (a) remote transmitters 50 and (b) building security controller 11 (see Fig. 3). Per Flick, building security controller 11 includes a transmitter and receiver 13 for receiving signals from remote transmitter 50 (see Col. 3, lines 46-50) and a central processing unit (CPU) 12 for communicating with building sensor 20, alarm indicators 23, and system indicators 24 (see Figs. 1 and 3; Col. 3, lines 61-67; and Col. 4, lines 39-47). Flick '571 discloses that system indicators 24 include lights, audible tone generators, etc. (see Col. 4, lines 8-10 and Col. 5, lines 21 - 34) and are actuated by CPU 12 for: (1) indicating when the learning mode was last entered (see Col. 5, lines 1-3); (2) progressively indicating a passage of time since the learning mode was last entered (see Col. 5, lines 3-5); and (3) indicating a change in a code of a learned remote transmitter (see Col. 5, lines 51-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify control unit 1 of Anzai and Flick '460 as taught by Flick '571 because having a control module 30 that is able to cause the various indications listed above (1) ensures a user that only the coded remote transmitters under his/her control may operate the vehicle security system, (2) prevents unauthorized remote transmitters from being surreptitiously learned by control module 30, and (3) enables a user to determine how recently the learn mode or biometric code change has occurred so that the user is able to correlate the

change with someone's ability to access the system (see Flick '571, Col. 5, lines 26-30 and Col. 7, lines 43-47).

(10) Response to Arguments

The arguments filed by the Appellant are only concerned with the motivation to combine the teachings of the references. Arguments concerning whether or not the combined references teach or suggest all the claim limitation were not presented by the Appellant. The Appellant's arguments have been fully considered but are not persuasive.

A. Claims 18-23

On page 7, the Appellant argues, "While the Examiner does cite to Christenson (U.S. Patent No. 5,933,090) for the contention that the Ogino et al. patent and the Flick '571 patent are 'analogous,' the Christenson patent discloses a receiver for storing a transmitter ID code and fails to disclose a controller for causing an indication of a number of learned remote transmitters, and thus does not provide a proper motivation to make the suggested combination." The Examiner respectfully points out that the Christenson patent was cited in the "Response to Arguments" section of the Final Action mailed on 7 April 2006 to provide support that the Ogino et al. and Flick '571 references are analogous art, not to provide a proper motivation to make the suggested combination. The motivation to combine the teachings of Ogino et al. and Flick '571 is provided by the Flick '571 reference (see Col. 5, lines 26-30 and Col. 7, lines 43-47), as indicated in the Final Action.

On page 8, the Appellant states that the Ogino et al. patent "proposes a vehicle security apparatus for transmitting the respective vehicle number to a remote unit display when the inputted remote unit vehicle number does not match the respective vehicle number, but the remote unit ID code matches the ID code learned by the respective vehicle security apparatus.

(Col. 17, lines 26-35)." Consequently, the Appellant argues that the Ogino et al. patent "teaches learning a remote unit ID code for subsequently outputting a stored vehicle number so to avoid the need to manually recall vehicle numbers when the remote unit ID code matches the learned ID code" (see page 9). Though displaying a vehicle number at a remote unit is one aspect of Ogino's invention, it concerns the third embodiment of Ogino's invention (see Col. 9, lines 19-67 and Col. 10, lines 1-34). In the Final Action, the Examiner asserts that Ogino's seventh embodiment (see Col. 16, lines 14-67 and Col. 17, lines 1-17), which includes the features of the first and fourth embodiments, teaches all the limitations of claim 18 except controller 17 causing an indication of a number of learned remote units 11. The seventh embodiment includes an ID write mode that enables a user to register a plurality of remote units 11 in car security unit 10, which then transmits a message to head unit 1 via a bus line indicating that an ID code has been registered and causes head unit 1 to display a message (e.g., "CODE ACCEPTED") on display 1*a* (see Col. 16, lines 19-24 and 52-64). Instead of displaying a message, such as "CODE ACCEPTED," Flick '571 teaches displaying the number of remote transmitters that have been learned (see Col. 5, lines 21-26 and 48-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogino's controller 17 as taught by Flick '571 because having a controller 17 that causes an indication of a number of learned remote units 11 enables a user to confirm that only the remote units 11 under his/her control may operate car security unit 1, thereby preventing unauthorized remote units 11 from being learned by controller 17 (see Flick, Col. 5, lines 26-30 and Col. 7, lines 43-47).

In response to Appellant's argument that the references fail to show certain features of Appellant's invention (see page 9), it is noted that the features upon which Appellant relies (i.e., "any indicator for the unauthorized learning of remote unit ID codes or any device to combat

the unauthorized learning of remote ID codes") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, claim 18 and its dependent claims are unpatentable.

B. Claims 30-45 and 57-67

In response to the Appellant's argument on page 10 that the Examiner "fails to provide a proper motivation for replacing the hardwire connections of the Anzai et al. patent used toward its objective of providing a keyless vehicle operation identification system with a data communication bus," the Examiner respectfully disagrees. As acknowledged by the Appellant on page 10, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anzai's vehicle security system as taught by Flick '460 based upon the teachings of Flick '460, who discloses that a data bus provides several advantages (see Flick '460, Col. 1, lines 65-67 and Col. 2, lines 1-3): (1) reduction in the amount of wiring, (2) reduction in wire routing problems, and (3) reduction in complications that may arise when troubleshooting the electrical system. Hence, the Examiner does provide a proper motivation. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP §2143.01.

The Appellant further argues "one of ordinary skill in the art would not be motivated to make the suggested combination, particularly since supplementing the Anzai et al. patent's system with a data communications bus so to reduce wiring does not further its objective of

providing a keyless identification system" on pages 10-11. From the argument, it appears that the Appellant is contending that a proper motivation to combine references must be in the Anzai et al. patent, which is a primary reference. Had the Anzai et al. patent taught a vehicle control system having a data bus and a motivation for using a data bus in lieu of wires, the Anzai et al. patent would be a 35 USC §102(e) reference. Anzai et al., however, fail to disclose a data bus. Flick '460, which is a secondary reference, does teach a data bus and provides motivations to use a data bus in lieu of hardwire; thus Flick '460 provides proper motivations for modifying Anzai's vehicle control system such that the vehicle devices are connected to control unit 1 via a data bus in lieu of wires.

Accordingly, claims 30 and 57 and their dependent claims are unpatentable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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18 January 2007

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